

### **REMARKS**

In response to the non-final Office Action of July 27, 2007, Applicant asks that all claims be allowed in view of the amendments to the claims and the following remarks. Claims 10 and 12-20 are pending, of which 10 and 16 are the independent claims. Claim 19 has been amended to correct a typographical error, and claims 1-9 have been cancelled without prejudice or disclaimer of subject matter.

Applicant thanks Examiner Tecklu for the courtesies and kind treatment afforded during the telephone interview conducted on May 22, 2007. During the interview, Applicant's representative discussed proposed amendments to the claims, but no agreement was reached.

#### **Claim Rejections—35 U.S.C. § 101**

Claims 1-9 were rejected under 35 U.S.C. § 101. As discussed above, claims 1-9 have been cancelled without prejudice or disclaimer of subject matter and without conceding the correctness of the associated rejection. Accordingly, Applicant requests withdrawal, as moot, of the section 101 rejection of claims 1-9.

#### **Double Patenting Rejection**

Claims 1, 10, and 16 were provisionally rejected under the judicially created doctrine obviousness-type double patenting over claim 3 of co-pending U.S. Patent Application No. 10/628,564. Without conceding the correctness of this rejection, and in accordance with the Examiner's suggestion, the Applicant submits a Terminal Disclaimer under 37 C.F.R §§ 1.321(b) and 3.73(b) with this Amendment. Withdrawal of this rejection is requested.

Notably, the Terminal Disclaimer has merely been filed to expedite allowance of the claims of this application, and no substantive position should be attributed to its filing. In making the obviousness-type double patenting rejection, the Office Action characterizes the currently pending claims and previously issued claims generally and with respect to each other, in addition to characterizing what would have been known or obvious to one of skill in the art. Applicant does not acquiesce to any of these characterizations.

### Conclusion

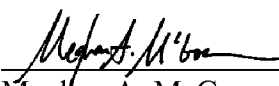
Based on the foregoing remarks, independent claims 10 and 16, as well as their respective dependent claims, are believed to be allowable. No other matters being raised, the entire application is in condition for allowance. Accordingly, Applicant looks forward to receiving a Notice of Allowance at the Examiner's earliest convenience.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, objection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejected claims in further prosecution of this or related applications.

Fees in the amount of \$130.00 for the Terminal Disclaimer are being paid by way of the Electronic Filing System (EFS). Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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